

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 25354 Permit 17505 License

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT**

WHEREAS:

1. Permit 17505 was issued to Half Moon Bay Properties, Inc. on January 3, 1979 pursuant to Application 25354.
2. Permit 17505 was subsequently assigned to Excelsior Management Corporation.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 2005

(0000008)

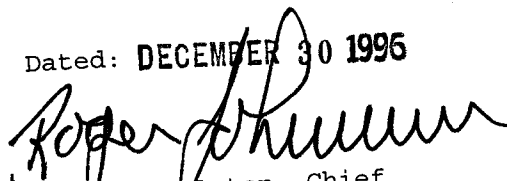
2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 2006

(0000009)

Dated: **DECEMBER 30 1996**


Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25354 PERMIT 17505 LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 17505 was issued to Half Moon Bay Properties, Inc. on January 1, 1979 pursuant to Application 25354.
2. Permit 17505 was subsequently assigned to Corado, Inc.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
5. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.
6. Four new conditions are added to this permit to protect the environment and to assure that construction and operation of the two reservoirs planned for the Unnamed Streams will not adversely affect downstream fish and wildlife habitat.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 6 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1991

(0000008)

2. Condition 7 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1992

(0000009)

3. Condition 10 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return

flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

4. Conditions 14, 15, 16 and 17 are added to this permits as follows:

14. In accordance with Section 1601, 1603 and/or Section 6100 of the Fish and Game Code, no work shall be started on the storage and diversion works on the unnamed streams and no water shall be diverted until permittee has entered into a stream alternation agreement with the Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of permittee. 0000063
15. For the protection of fish and wildlife, permittee shall, during the period of November 1 through June 1, bypass a minimum of $\frac{1}{2}$ cubic feet per second in Martini Creek downstream reservoir number 1 and bypass a minimum of $\frac{1}{2}$ cubic feet per second in the unnamed stream downstream of reservoir number 3. The total streamflow shall be bypassed whenever it is less than the amount designated above for this period. (0140060)
16. Permittee shall install devices, satisfactory to the State Water Resources Control Board, which are capable of measuring the flows required by the conditions of this permit. No water shall be diverted into reservoir Numbers 2 and 3 until these devices have been properly installed. Said devices shall be properly maintained. (0060062)
17. For the protection of habitat for the endangered San Francisco garter snake, permittee shall: a) establish and maintain undisturbed a 150-foot wide strip of natural upland vegetation around the water storage reservoirs; b) limit reservoir dredging operations to the months of April and May; and c) refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoirs during dredging operations. (0000500)

Dated: AUGUST 09 1990


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25354

PERMIT 17505

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL
COMMENCE ON OR BEFORE

December 1, 1985 (0000007)

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 1, 1986 (0000008)

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1987 (0000009)

2. Paragraph 10 of this permit is deleted. A new Paragraph 10 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

(00000012)

Dated: AUGUST 3 1984

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17505

Application 25354 of Half Moon Bay Properties, Inc.

P. O. Box 38, Half Moon Bay, California 94109

filed on May 4, 1977, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Martini Creek

Pacific Ocean

Unnamed Stream

Pacific Ocean

Unnamed Stream

Pacific Ocean

2. Location of point of diversion:

	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
Offstream Diversion N700 ft and W4000 ft from SE Corner of Section 27	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	27	4S	6W	MD
Storage Reservoir No. 3 N300 ft and W2200 ft from SE Corner of Section 27	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	27	4S	6W	MD
Storage Reservoir No. 2 S200 ft and W3500 ft from NE Corner of Projected Section 34	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	34	4S	6W	MD

County of San Mateo

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
Fire Protection						
Recreational						
Stockwatering	Reservoir No. 2 in NE $\frac{1}{4}$ of NW $\frac{1}{4}$	34	4S	6W	MD	
	Reservoir No. 3 in SW $\frac{1}{4}$ of SE $\frac{1}{4}$	27	4S	6W	MD	
Irrigation	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	27	4S	6W	MD	10
	W $\frac{1}{2}$ of NW $\frac{1}{4}$	34	4S	6W	MD	40
					Total	50

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed A TOTAL OF 25 ACRE-Feet PER ANNUM TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO JUNE 1 OF THE SUCCEEDING YEAR AS FOLLOWS: (1) 15 ACRE-Feet PER ANNUM IN #2 RESERVOIR, (2) 10 ACRE-Feet PER ANNUM IN #3 RESERVOIR. THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE. THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 0.5 CUBIC FOOT PER SECOND. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

~~7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.~~

6. Said construction work shall be completed on or before DECEMBER 1, 1982. (0000008)

7. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1983. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Section 100 all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

13. APPLICANT SHALL RE-ROUTE THE MARTINI CREEK PIPELINE TO ENTER THE REGULATORY POOL FORMED BY THE DIVERSION STRUCTURE AT AN UPSTREAM LOCATION, SO AS TO AVOID DAMAGE TO RECORDED ARCHEOLOGICAL SITE SMA-131. (0380500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code.

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JANUARY 3 1979

STATE WATER RESOURCES CONTROL BOARD

C. W. H. H. H.
EXECUTIVE DIRECTOR, WATER RIGHTS & ADMINISTRATION
~~Chief, Division of Water Rights~~